REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1, 5-9, 13-17, 21-25, and 29-32 are pending in this application. Claims 3, 4,

11, 12, 19, 20, 27, and 28 are canceled by the present response without prejudice. Claims 1,

3-9, 11-17, 19-25, and 27-32 were rejected under 35 U.S.C. § 103(a) as unpatentable over

U.S. patent 6,181,981 to Varga et al. (herein "Varga").

Addressing the above-noted rejection, that rejection is traversed by the present

response.

Initially, applicants note each of the independent claims is amended by the present

response to clarify features recited therein. Specifically, independent claim 1 now

incorporates limitations from previously pending dependent claim 3, and accordingly claims

3 and 4 are now canceled without prejudice. The other independent claims are similarly

amended.

Applicants also note the outstanding Office Action takes Official Notice of several

bases for the outstanding rejections in both the independent and dependent claims. Each of

those positions for Official Notice is hereby traversed and applicants now require that prior

art be submitted to support the outstanding rejections. In the comments presented below

further deficiencies in the rejection and the Official Notice are presented, but again applicants

traverse each position of Official Notice and require that prior art be cited for each such

position.

The claims are directed to monitoring a user's usage of an operation panel on an

image forming device, storing a log of such monitored usage, and communicating that log.

Such features are believed to be clearly distinguish over the prior art to Varga.

First, as noted above the claims set forth monitoring the selection by a user on an

operation panel of an image forming device.

With respect to the claimed features of performing the monitoring the outstanding

Office Action cites Varga at column 4, lines 36-52, where Varga discloses a plurality of

monitoring points 70 that can monitor goods selection 45 selected by a user.[1] The outstanding

Office Action goes on to note that Varga discloses communicating such monitored data at

column 6, lines 17-20.[2]

In response to that basis for the outstanding rejection applicants first note that at no

point does Varga disclose or suggest that what is being monitored is the operations on an

interface, much less an operation panel. In fact, Varga appears to disclose just the opposite.

At column 6, lines 8-14 Varga discloses that the monitoring points 70 collect data and for

example if a user deposits one dollar, selects item A, and item A is dispensed, such monitored

data would translate into a data reporting format including a cash increase of 60 cent, item A

inventory decrease of one unit, and no fault. Such monitored data does not correspond to

what operations a user selected on the goods selection unit 45. Instead, Varga clearly

assesses the entire operations of the device, but does not at all disclose or suggest storing a

log of what buttons were actually pressed by a user on the goods selection unit 45.

In such ways, the basis for the outstanding rejection is clearly improper in a

fundamental aspect.

Further, with respect to features recited in previously pending dependent claims 3, 11,

19, and 27, which features are now recited in respective amended independent claims 1, 9,

17, and 25, the outstanding Office Action essentially ignored those claim limitations with a

vague Official Notice. Again, that position for Official Notice is traversed.

Specifically, the basis for the rejection to the above-noted claims was "that the

Varga's system for monitoring usage of an interface of a device and transmitting the

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[1] Office Action of January 13, 2006, page 3, first two paragraphs.
[2] Office Action of January 13, 2006, page 3, third paragraph.

monitored data to a remote location *could* have been implemented on an image forming

device and it is just a field of use for the mentioned technique."[3]

The above-noted basis for the outstanding rejection is improper in *many* aspects.

First, the system of the claimed invention and the system of Varga have significantly

different objectives. One objective of the system of the claimed invention is to monitor

which buttons a user presses on an operation panel of an image forming device. Varga is not

directed to any type or even similar system. Instead, Varga is directed to an inventory control

system, and as such Varga has no reason or objective to monitor what buttons are being

selected on a vending machine; the relevant information in Varga is which items are being

dispensed and the amount of money being taken in. Thus, the above-noted statement to

support the rejection is improper as it completely disregards the significantly different

objectives between the claimed invention and the device of Varga.

Further, the basis for the outstanding rejection is a completely improper rejection

under 35 U.S.C. § 103. As noted in M.P.E.P. § 2143:

> To establish a *prima facie* case of obviousness, three
> basic criteria must be met. First, there must be some
> suggestion or motivation, either in the references themselves or
> in the knowledge generally available to one of ordinary skill in
> the art, to modify the reference or combine reference teachings.
> Second, there must be a reasonable expectation of success.
> Finally, the prior art reference (or references when combined)
> must teach or suggest all the claim limitations.
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> The teaching or suggestion to make the claimed
> combination and the reasonable expectation of success must
> both be found in the prior art, not in applicant's disclosure. *In
> re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The above-noted basis for the outstanding rejection has not set forth *any* of the three

criteria noted above to make a proper *prima facie* case of obviousness. More specifically,

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[3] Office Action of January 13, 2006, page 4, first full paragraph (emphasis added).

there is no suggestion or motivation in Varga to meet the claim limitations. As noted above,

Varga has a significantly different objective than in the claimed invention. Secondly, there is

no indication that Varga could successfully be modified to meet the claim limitations.

Finally, no prior art suggests all of the claimed features set forth in the amended independent

claims. In such ways, the basis for the outstanding rejection has not set forth any type of

proper *prima facie* case of obviousness with respect to the above-noted features.

Moreover, the basis for the outstanding rejection even recognizes that Varga does not

disclose storing a log on the monitored data, and to overcome that recognized deficiency in

Varga the outstanding Office Action merely takes Official Notice and states:

> ...storing monitored data in a log file would have been obvious
> to one of ordinary skill in the art since users can go back to the
> log file anytime to review the status of the monitored data. It
> would have been obvious to one of ordinary skill in the art at
> the time of the invention to include a log file storing the
> monitored data in Varga's system since it would have helped
> users to keep track of all of the recorded information.[4]

What the above-noted basis for the outstanding rejection is not at all considering is

that Varga not only does not disclose or suggest storing a log of the monitored data, but such

a storage would be irrelevant to the device of Varga.

Varga is directed to a inventory maintenance system for a vending machine. What is

relevant for the device of Varga is to keep track of the goods dispensed and money input. As

noted above, Varga does not even disclose or suggest monitoring the users' pressing of

buttons on an operation panel, and Varga would clearly have no incentive or motivation to

keep a log of such transactions. Keeping a log of such transactions would have no relevance

whatsoever to the system of Varga which has as its objective to determine which products are

being dispensed and how much money is input.

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[4] Office Action of January 13, 2006, the paragraph bridging pages 3 and 4.

In contrast to <u>Varga</u>, one objective of the claimed invention is to monitor a user's usage of an operation panel to evaluate how the user uses the operation panel. <u>Varga</u> has no even similar objective. Because of the objective in the claimed invention it becomes important to keep a log of the monitored data so it can be easily determined which buttons a user presses on a operation panel and in which order. All of such data is completely irrelevant to the device of <u>Varga</u>, which only needs to know what goods have been sold and remain in a vending machine and how much money has been received. Thus, there is no suggestion or motivation to one of ordinary skill in the art to modify <u>Varga</u> to keep a log of how a user presses buttons on an operation panel.

Further, with respect to the claimed features of the log of the monitored data being in the form of an abstract class, the outstanding Office Action merely refers to <u>Varga</u> disclosing a "standard data reporting format". However, such is not at all an abstract class. The Office Action appears to not properly consider an "abstract class" as a specific type of formatting of data. Such further features further distinguish over the applied art.

In view of these foregoing comments, applicants respectfully submit each of the amended independent claims 1, 9, 17, and 25, and the claims dependent therefrom, clearly distinguish over the features in <u>Varga</u>.

Moreover, applicants respectfully submit the outstanding rejection has not even properly considered the dependent claims.

With respect to dependent claims 5, 13, 21, and 29 the outstanding Office Action again takes Official Notice, which is traversed, and completely dismisses the claim limitation. As noted above under M.P.E.P. § 2143 suggestion or motivation to modify <u>Varga</u> to meet such claim limitations must be found in the prior art reference, which is clearly not the case with respect to the limitations in the above-noted claims, and which have not been addressed properly in the Office Action.

With respect to dependent claim 6, 7, 14, 15, 22, 23, 30, and 31 the outstanding Office

Action again takes Official Notice which is traversed. The outstanding Office Action

summarily dismisses the limitations therein without any basis whatsoever. In fact, the entire

concept of different "sessions" being set as when to communicate a log in the monitored data

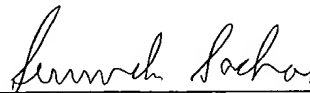has no relevance whatsoever to the device of <u>Varga</u>.

With respect to dependent claims 8, 16, 24, and 32, the outstanding Office Action

again takes Official Notice, which again is traversed, and does not set forth a proper *prima*

facie case of obviousness as it does not set forth where motivation or suggestion is in the

prior art reference to modify <u>Varga</u> to meet such claim limitations.

In view of these foregoing comments, the dependent claims are believed to even

further distinguish over the applied art to <u>Varga</u>.

As other issues are pending in this application, it is respectfully submitted that the

present application is now in condition for allowance, and it is hereby respectfully requested

that this case be passed to issue.

Respectfully submitted,

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